Enforcement Actions in Industry/Sector: Energy – Petroleum (FY 1996 - FY 2011)

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Matter	Enforcement Date	Matter and Action Type
1. 1010021 - Irving / Exxon Mobil	5 /26/2011	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/1010021/index.shtm

The Commission required Irving Oil Terminals Inc. and Irving Oil Limited (collectively, Irving) to relinquish the rights to terminal and pipeline assets in Maine that Irving acquired from ExxonMobil, to maintain competition in gasoline and distillates terminaling services in the South Portland and Bangor/Penobscot Bay areas. The proposed settlement resolves the FTC's charges that the acquisition is anticompetitive and could result in higher gasoline and diesel prices for consumers.

Matter	Enforcement Date	Matter and Action Type
2. 0910125 - Flying J / Big West Oil	6 /30/2010	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/0910125/index.shtm

The FTC required Pilot Corporation, owner of the largest travel center network in the United States, to sell 26 locations as part of a settlement that will replace the competition lost because of Pilot's proposed $1.8 billion acquisition of Flying J Inc.'s travel center network. Pilot has agreed to sell the travel centers, which provide diesel, food, parking, and other amenities for truckers, to Love's Travel Stops and Country Stores, the smallest national travel center operator, currently concentrated in the South. According to the FTC's complaint, the deal between Pilot and Flying J would have reduced competition for certain long-haul trucking fleets for which Pilot and Flying J were the first and second best choices for their diesel needs.

Matter	Enforcement Date	Matter and Action Type
3. 0810170 - Red Sky Holdings / Newpark Resources	10/23/2008	Merger - Part III Administrative Complaint with Federal Injunction http://www.ftc.gov/os/adjpro/d9333/index.shtm

In October 2008, the Commission issued an administrative complaint to block CCS Corporation's proposed $85 million acquisition of Newpark Environmental Services. According to the Commission's complaint, the proposed transaction was anticompetitive because it would consolidate two of the leading providers of waste disposal services for the offshore oil and natural gas exploration and production industry in the Gulf Coast Region, leading to higher prices and decreased service levels. In response to the complaint, CCS, a subsidiary of Red Sky, threatened to close down its operations in the Gulf Coast should the acquisition not receive the necessary regulatory approvals. The Commission dismissed the warnings as a an effort to avoid a challenge to the transaction, and continued its effort to seek a preliminary injunction, and temporary restraining order in Federal Court. As a result, the parties informed the Commission of their intent to abandon the transaction in November of 2008. The Commission subsequently dismissed its administrative complaint in December 2008.

Matter	Enforcement Date	Matter and Action Type
4. 0610229 - Motor Oil Importers of Puerto Rico	6 /14/2007	Nonmerger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/0610229/index.shtm

The Commission charged that a motor oil lubricant importer illegally conspired with its competitors to restrict the importation and sale of these products in Puerto Rico, which resulted in higher prices paid by consumers. According to the FTC's complaint, during 2005 and 2006, American Petroleum joined with numerous others in the Puerto Rico lubricants industry to lobby for the delay, modification, or repeal of Puerto Rico Law 278, which imposes an environmental recovery fee of 50 cents per quart. With the effective date of the law approaching, the importers adopted a strategy of refusing to import lubricants as a means of forcing a change. The consent order settling the charges bars American Petroleum from conspiring with its competitors to restrict output, refuse to deal, or boycott any lubricant buyer or potential buyer.

Matter	Enforcement Date	Matter and Action Type
5. 0610259 - Giant Industries Inc. / Western Refining	4 /10/2007	Merger - Part III Administrative Complaint with Federal Injunction http://www.ftc.gov/os/adjpro/d9323/index.shtm

The Commission issued an administrative complaint and initiated federal court action to block Western Refining, Inc.'s $1.4 billion proposed acquisition of rival energy company Giant Industries, Inc. to preserve competition in the supply of bulk light petroleum products, including motor gasoline, diesel fuels, and jet fuels, in northern New Mexico. After a week-long trial, the federal district court denied the Commission's motion for a preliminary injunction, rejecting arguments that Giant had unique opportunities to increase supply and lower fuel prices in northern New Mexico. In October of 2007, the Commission dismissed its administrative complaint, concluding that further prosecution would not be in the public interest.

Matter	Enforcement Date	Matter and Action Type
6. 0610197 - Kinder Morgan inc.	1 /25/2007	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/0610197/index.shtm

The order settles charges that the proposed $22 billion deal whereby energy transportation, storage, and distribution firm Kinder Morgan, Inc. (KMI) would be taken private by KMI management and a group of investment firms, including private equity funds managed and controlled by The Carlyle Group (Carlyle) and Riverstone Holdings LLC (Riverstone) would threaten competition between KMI and Magellan in eleven metropolitan areas in the Southeast, likely resulting in higher prices for gasoline and other light petroleum products. The order requires that Carlyle's and Riverstone's interest in Magellan become a passive investment, by requiring them to: (1) removing all of their representatives from the Magellan Board of Managers and its boards of directors, (2) ceding control of Magellan to its other principal investor, Madison Dearborn Partners, and (3) not influencing or attempting to influence the management or operation of Magellan.

Matter	Enforcement Date	Matter and Action Type
7. 0510131 - U.S. Restaurant Properties, Inc. / Aloha Petroleum Corp	7 /28/2005	Merger - Preliminary Injunction http://www.ftc.gov/os/caselist/0510131/index.shtm

The Commission authorized staff, in conjunction with the Hawaii Attorney General, to seek a preliminary injunction to block Aloha Petroleum's proposed acquisition of Trustreet Properties. Aloha sought to acquire Trustreet's half interest in the Barber Point petroleum importing terminal, when Aloha already owned the other half interest. The proposed acquisition would have reduced the number of marketers with ownership or access to a refinery or importing terminal from five to four, and the number of suppliers selling to unintegrated retailers from three to two. After Aloha subsequently announced a long-term agreement with a third party, Mid-Pac Petroleum that would enable Mid-Pac to replace Trustreet as a bulk gasoline supplier, the Commission sought to dismiss its federal court complaint on the ground of changed circumstances.

Matter	Enforcement Date	Matter and Action Type
8. 0510022 - Valero L.P. / Kaneb Services LLC	6 /15/2005	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/0510022/0510022.shtm

The consent order permitted Valero L.P. to acquire Kaneb Services LLC and Kaneb Pipe Line Partners subject to the divestitures of assets that will preserve existing competition for petroleum transportation and terminaling in Northern California, Pennsylvania, and Colorado, and avoid a potential increase in bulk gasoline and diesel prices. The order also requires Valero to develop an information firewall and maintain open, non-discriminatory access to two retained Northern California terminals, in order to ensure access to ethanol terminaling in Northern California.

Matter	Enforcement Date	Matter and Action Type
9. 0510125 - Chevron Texaco Corporation / Unocal Corporation	6 /10/2005	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/0510125/0510125.shtm

Under the terms of the consent orders Chevron and Unocal will cease enforcing Unocal's patents covering reformulated gasoline that complies with California Air resources Board Standard, will not undertake any new enforcement efforts related to the particular patents, and will cease all attempts to collect damages, royalties, or other payments related to the use of any of the patents. In addition, the companies will dismiss all pending legal actions related to alleged infringement of the patents. According to the complaint, the acquisition of the Unocal patents by Chevron would have facilitated coordinated interaction among downstream refiners and marketers of CARB gasoline.

Matter	Enforcement Date	Matter and Action Type
10. 0410164 - Magellan Midstream Partners, L.P. / Shell Pipeline Company LP & Eqiulon Enterprises LLC from Royal Dutch Petr. Co.	9 /29/2004	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/0410164/0410164.shtm

Under terms of a consent order, Magellan completed its acquisition of pipelines and terminals in the Midwestern United States and a refined petroleum products terminal in Oklahoma City that supplies light petroleum products such as gasoline and diesel fuel from the Shell Oil Company. The consent order required Magellan to divest the Shell Oklahoma City terminal to a Commission-approved buyer within six months after the transaction is consummated.

Matter	Enforcement Date	Matter and Action Type
11. 0410162 - Buckeye Partners / Shell Terminals and Pipelines	9 /27/2004	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/0410162/0410162.shtm

Buckeye agreed to notify the Commission before acquiring any interest in the Niles petroleum terminal for a period of ten years under provisions of a consent order. The consent order settled charges that Buckeye's proposed acquisition of five refined petroleum products pipelines and 24 petroleum products terminals in the United States from Shell Oil Company would reduce competition in the market for the terminaling of gasoline, diesel fuel, and other light petroleum products in the area of Niles, Michigan.

Matter	Enforcement Date	Matter and Action Type
12. 0110214 - Union Oil of California	3 /4 /2003	Nonmerger - Part III Administrative Complaint http://www.ftc.gov/os/adjpro/d9305/index.shtm

An administrative law judge dismissed a complaint in its entirety against Union Oil of California that charged the company with committing fraud in connection with regulatory proceedings before the California Air Resources Board regarding the development of reformulated gasoline. The judge ruled much of Unocal's conduct was permissible activity under the Noerr-Pennington doctrine and that the resolution of the issues outlined in the complaint would require an in depth analysis of patent law which he believed were not with the jurisdiction of the Commission. In July 2004, the Commission reversed the judge's ruling and reinstated charges that Unocal illegally acquired monopoly power in the technology market for producing a "summer-time" low-emissions gasoline mandated for sale and use by the California Air Resources Board for use in the state for up to eight months of the year. While the case was pending before the administrative law judge, a consent agreement was signed.

Matter	Enforcement Date	Matter and Action Type
13. 0210040 - Phillips Petroleum Co. / Conoco	8 /30/2002	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/c4058.shtm

A final consent order allows the merger of Phillips Petroleum and Conoco Inc. but requires certain divestitures and other relief to maintain competition in the gasoline refining market in specific areas of the United States. Among the assets to be divested are refineries, propane terminals, and natural gas gathering facilities. The combined firm will be known as ConocoPhillips.

Matter	Enforcement Date	Matter and Action Type
14. 0110141 - Valero / UDS	12/18/2001	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/c4031.shtm

The consent order permitted Valero to complete its $6 billion merger with Ultramar Diamond Shamrock Corporation, but required the divestiture of Ultramar's Golden Eagle Refinery, bulk gasoline contracts, and 70 Ultramar retail service stations in Northern California to a Commission-approved acquirer. According to the complaint, the merger as originally proposed, would have lessened competition in two refining markets in California resulting in consumers paying more than $150million annually if the price of CARB gasoline increased just one cent per gallon. CARB gasoline meets the specifications of the California Air Resources Board.

Matter	Enforcement Date	Matter and Action Type
15. 0110011 - Chevron Corp. / Texaco, Inc.	9 /7 /2001	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/c4023.shtm

A consent order permitted the $45 billion merger of Chevron and Texaco In., but required significant divestitures in the petroleum industry, including gasoline marketing assets, refining and bulk supply facilities, crude oil pipeline interests and terminaling facilities.

Matter	Enforcement Date	Matter and Action Type
16. 9910192 - BP / ARCO	2 /2 /2000	Merger - Preliminary Injunction http://www.ftc.gov/os/caselist/c3938.shtm

Commission authorized staff to file a motion in federal district court to prevent the merger of BP Amoco p.1.c. and Atlantic Richfield Company. The complaint, filed in the U.S. District Court for the Northern District of California, San Francisco Division on February 4,2000, alleged that the merger would reduce competition in the exploration and production of Alaska North Slope crude oil and its sale to West Coast refineries, and in the market for pipeline and storage facilities in Cushing, Oklahoma. The merger would combine: (1) the two largest producers of crude oil on the North Slope of Alaska; (2) the two largest suppliers of Alaska North Slope crude oil to refineries in California and Washington; (3) and the two most successful competitors in bidding for exploration leases on the North Slope: On March 15,2000, five days before the start of the trial, the defendants and the Commission agreed to seek adjournment of the federal court proceedings to enter into consent negotiations. The consent order became final August 29,2000.

Matter	Enforcement Date	Matter and Action Type
17. 9910077 - Exxon Corporation	11/30/1999	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/c3907.shtm

A consent order settled antitrust concerns stemming from Exxon's acquisition of Mobil Corporation, but requires the largest retail divestiture in Commission history. The divestitures, representing only a fraction of the worldwide assets of Exxon and Mobil, include 2,431 gas stations; an Exxon refinery in California; a pipeline; and other assets. According to the complaint, the proposed merger would injure competition in moderate concentrated markets -California gasoline refining, marketing and retail sales of gasoline in the Northeast, Mid-Atlantic and Texas; and in the highly concentrated markets for jet turbine oil.

Matter	Enforcement Date	Matter and Action Type
18. 9810345 - British Petroleum Company PLC	12/30/1998	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/c3868.shtm

Consent order in BP Amoco p.1.c. (created by the merger of British Petroleum Company, p.1.c. and Amoco Corporation) requires the divestiture of 134 gas stations in eight markets and nine Light petroleum products terminals settling charges that the merger would substantially reduce competition in certain wholesale gasoline markets.

Matter	Enforcement Date	Matter and Action Type
19. 9710007 - Royal Dutch Petroleum / Exxon Corp	8 /20/1998	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/c3833.shtm

Exxon will divest its viscosity index improver business to Chevron Chemical Company LLC to settle allegations that its proposed joint venture with Royal Dutch Shell to develop, manufacture and sell their fuel and lubricants additives would reduce competition and lead to collusion among the remaining firms in the market.

Matter	Enforcement Date	Matter and Action Type
20. 9710026 - Shell / Texaco / Star Enterprise	12/18/1997	Merger - Consent Order Accepted for Comment http://www.ftc.gov/os/caselist/c3803.shtm

Shell Oil and Texaco settled allegations that their proposed joint venture would reduce competition and could raise prices for gasoline in Hawaii, California, and Washington and the price of asphalt in California. The consent order requires Shell to divest a package of assets, including Shell's Anacortes, Washington refinery; a terminal and retail gasoline stations in Oahu, Hawaii and retail gas stations, and a pipeline in California.